



To DAD
ACT/015/016

8871 East Easter Place
Englewood, Colorado 80112
March 6, 1979

Ms. Denise A. Dragoo
State of Utah
Department of Natural Resources
Division of Oil, Gas, and Mining
1588 West North Temple
Salt Lake City, Utah 84116

Dear Ms. Dragoo:

Thank you for your February 26th reply to my inquiry of February 12 requesting clarification of my rights as a surface title owner in a surface mining situation. This letter will expound on the matter.

It is important first of all, that you realize and remember that the right of the mineral lessor to access, ingress, egress and mining operations on my land is not being challenged. Your letter implied otherwise. What is at issue is my right, as the surface owner, to require compensation for the use, to my own exclusion, of my property by the mining operator as well as my right to require adequate restoration of the land surface when mining operations are terminated. I find it difficult to believe that in mining matters, the State assumes all authority concerning surface use on private lands.

Consider the case of a homeowner with a small lot in suburban Salt Lake City who, as is always the case, does not own the mineral rights under his lot. From what I gather, present law will allow the mineral rights owner or lessor to move up the back alley any day or night of their choosing, tear down his fence, knock over his trees, destroy his garden, and begin digging a shaft in the middle of the back lawn without his prior notification, council, or consent. And whenever they are completed with their work, restoration of his back yard will be done in accordance with the State, whether he agrees with it or not.

I find myself in the position of that homeowner.

The particular matter in contention is the Colt Mesa Mining Company/Chinook Construction Ltd. Smiths Fee Ground Mine, E $\frac{1}{2}$ Section 5, T22S, R14E, Emery County, Utah. My father and I purchased the surface of E $\frac{1}{2}$ Section 5 together with 1054.71 adjoining acres from Wilbur Luark in 1972. Mr. Luark had previously sold the mineral rights to Mr. Wayne Smith of Green River, Utah, who still holds them. Mining operations on our property had been essentially finished when my father and I became aware of the pit, shafts, road, etc. last August (1978). That was our first knowledge of the matter. We understand that Energy Fuels purchased 532 tons of uranium ore from Colt Mesa Mining Co. and 8,554 tons from Chinook Construction, Ltd. Additional ore plus some overburden may also have been moved out.

Ms. Denise A. Dragoo
March 6, 1979
Page 2

In August, 1978, there was still a pit and shafts left open on our property. In mid-February, 1979 (three weeks ago), the shafts had been filled in but an equipment trailer was still left parked on our property and, of course, the topography was still considerably lower than the land we purchased.

We do not object to the fact that uranium was mined from our land. Our objection is that, for an unknown period of time, people moved on, changed, used, and left disturbed our land without so much as notifying us of the fact. I am in the oil business and deal every day with operations on lands the owners of which do not hold the oil and gas rights. We could expect a lawsuit and confiscation of our equipment (or worse) if we ever attempted to drill for petroleum (to which we lease the right) without first forming a surface use agreement. The State has nothing to do with that agreement with the surface owner. I'm amazed that you imply that the same is not true with mining operations. You may be aware that House Bill 114, now in the Rules Committee of the Utah State Legislature, would make it a misdemeanor for any person to enter private land without permission, regardless of whether or not the property is posted.

I have not thoroughly read the entire Mined Land Reclamation General Rules and Regulations which you were so kind to include with your letter but, nonetheless, was interested in learning that the Division is required to mail a copy of the approved Notice of Intention to the land owners within 30 days of its approval (Rule M-4). Neither my father nor I have yet received the approved Notice of Intention for the Smiths Fee Ground Mine. Could you please explain why that is the case.

Any further information or advice which you could provide on this situation would be sincerely appreciated, Ms. Dragoo.

Yours very truly,



J. Paul Mathias

JPM:jm

cc: Mr. John R. Mathias
P. O. Box 1176
Glenwood Springs, CO 81601

1. The Commission has received information from the Government of the Republic of the Congo that the Government is planning to introduce a new law on the right of asylum.

2. The Commission is aware that the Government of the Republic of the Congo has a long history of cooperation with the Commission in the field of human rights.

3. The Commission is pleased to note that the Government of the Republic of the Congo has taken steps to improve the legal framework for the protection of refugees and asylum seekers.

4. The Commission is also aware that the Government of the Republic of the Congo has a strong commitment to the protection of human rights and the rule of law.

5. The Commission is confident that the new law on the right of asylum will be a positive step towards the protection of refugees and asylum seekers in the Republic of the Congo.

Very truly yours,

Chairman

Secretary General
Office of the High Commissioner
Geneva